

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kane et al. Group Art Unit: TBA
Serial No.: 10/002,536 Examiner: TBA
Filed: November 1, 2001
For: COMPOSITIONS AND SYSTEMS FOR IDENTIFYING AND
COMPARING EXPRESSED GENES (mRNAs) IN EUKARYOTIC
ORGANISMS

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BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

PETITION PURSUANT TO 37 CFR 1.47
INVOLVING THE REFUSAL OF A CO-INVENTOR
TO EXECUTE THE DECLARATION AND OATH

Pursuant to 37 CFR 1.47, counsel for the inventors makes the above-identified Petition according to the following facts:

1. On January 23, 2002, the Patent Office mailed a Notice To File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b).
2. As of today's date, all of the necessary Declaration and Oath documents have been executed by co-inventors Michael D. Kane and Aaron C. Nagel, but not by co-inventor Alan A. Dombkowski.
3. As of today's date, all remaining issues raised in the Notice to File Missing Parts have been addressed.
4. At the time that the above-identified application was filed, Genomic Solutions, Inc. employed all three co-inventors, including Dr. Dombkowski. Sometime after the application was filed, Dr. Dombkowski ceased his employment with Genomic Solutions.

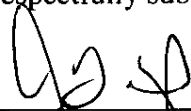
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5. As set forth in the attached sworn Declaration under 37 C.F.R. § 1.47 of signing co-inventor Dr. Michael D. Kane, which is hereby incorporated in this Petition, Dr. Dombkowski has refused repeatedly to sign any Declaration and Oath for the pending application. Dr. Dombkowski's last known residence address is 7300 Chichester, Canton, Michigan 48187.

6. 37 CFR 1.47(a) notes that if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor. It is respectfully submitted that with the submission of Declaration and Oath documents from all of the other inventors, the application for patent has been appropriately made by the other inventors. Further, in view of the facts noted in the attached affidavit, it is respectfully submitted that diligent and *bona fide* effort has been made to provide the non-signing inventor with the necessary documents for signature.

Therefore, in view of the foregoing statements and accompanying Declaration of co-inventor Dr. Michael D. Kane, it is respectfully submitted that a proper showing has been made pursuant to 37 CFR 1.47 to address the Notice to File Missing Parts.

Respectfully submitted,



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Date: July 23, 2002

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